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11 INTUITIVE SURGICAL, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ILLINOIS UNION INSURANCE
COMPANY, an Illinois corporation,

Plaintiff,

v.

INTUITIVE SURGICAL, INC., a Delaware
corporation,

Defendant.

INTUITIVE SURGICAL, INC., a Delaware
corporation,

Plaintiff,

v.

ILLINOIS UNION INSURANCE
COMPANY, an Illinois corporation;
NAVIGATORS SPECIALTY INSURANCE
CO., a New York corporation,

Defendants.

CASE NO.: 3:13-cv-04863-JST
CASE NO.: 3:15-cv-04834-JST

**JOINT STIPULATION TO EXTEND
DEADLINE FOR INTUITIVE'S
OPPOSITION TO ILLINOIS UNION'S
MOTION TO BIFURCATE AND
MOTION TO REVERSE ORDER OF
PROOF; AND**

[PROPOSED] ORDER

Trial Date: June 19, 2017

Hearing Date: May 26, 2017

Time: 2:00 p.m.

Location: Courtroom 2, 4th Floor
Oakland Courthouse

1 Intuitive Surgical, Inc. (“Intuitive”) and Illinois Union Insurance Company (“Illinois Union”)
2 respectfully jointly stipulate, pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, to extend the
3 current deadline for Intuitive’s oppositions to Illinois Union’s Motion to Bifurcate and Motion to
4 Reverse the Order of Proofs until May 9, 2017.

5 WHEREAS, the parties have a pretrial conference scheduled for May 26, 2017;

6 WHEREAS, Illinois Union filed two pretrial motions on April 21, 2017 (ECF No. 212
7 (Illinois Union Insurance Company’s Notice of Motion and Motion to Bifurcate Extra-Contractual
8 from Contractual Claims); ECF No. 213 (Illinois Union Insurance Company’s Notice of Motion and
9 Motion to Reverse the Order of Proofs)) to be heard on May 26, 2017, in order to comport with the
10 Northern District of California’s 35-day briefing schedule (*see* Local Rule 7-2);

11 WHEREAS, under that briefing schedule, Intuitive’s oppositions to both motions are due on
12 May 5, 2017, and Illinois Union’s replies to Intuitive’s oppositions are due on May 12, 2017;

13 WHEREAS, Illinois Union’s motions are, in part, premised on the idea that Illinois Union
14 would be stipulating to certain elements of Intuitive’s breach of contract claims;

15 WHEREAS, Illinois Union has yet to provide such a draft stipulation to Intuitive,

16 WHEREAS, Illinois Union has indicated that it will provide such a draft stipulation to
17 Intuitive by Friday, May 5, 2017;

18 WHEREAS, in order to potentially streamline the arguments in Illinois Union’s pretrial
19 motions, the parties agree that it will be beneficial to wait until Illinois Union provides Intuitive with
20 a draft stipulation to consider before Intuitive opposes Illinois Union’s motions;

21 WHEREAS, Illinois Union agrees to meet the original deadline for its replies to Intuitive’s
22 oppositions (May 12, 2017);

23 NOW THEREFORE, the parties, through the undersigned counsel, hereby stipulate with
24 respect to the deadlines previously imposed in Case Nos. 3:13-cv-04863-JST as follows:

- 25 • That the current deadline for Intuitive’s oppositions to Illinois Union’s Motion to
26 Bifurcate and Motion to Reverse the Order of Proofs be extended until May 9, 2017.

27 The parties’ proposed time modifications would impact the deadlines in Case Nos. 3:13-cv-
28 04863-JST as follows:

Event	Current Schedule	New Schedule
Intuitive's Oppositions to Illinois Union's Motion to Bifurcate and Motion to Reverse the Order of Proofs	5/5/2017	5/9/2017
Illinois Union's Replies to Intuitive's Oppositions to Illinois Union's Motion to Bifurcate and Motion to Reverse the Order of Proofs	5/12/2017	No change
Hearing on Illinois Union's Motion to Bifurcate and Motion to Reverse the Order of Proofs	5/26/2017	No change

DATED: May 4, 2017

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: _____ */s/ Allen Ruby*

Attorneys for Plaintiff/Defendant
INTUITIVE SURGICAL, INC.

DATED: May 4, 2017

COZEN O'CONNOR

By: _____ */s/ Charles Wheeler*

Attorneys for Defendant/Plaintiff
ILLINOIS UNION INSURANCE COMPANY

Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this document has been obtained from the signatories above.

/s/ Allen Ruby

1 **[PROPOSED] ORDER**

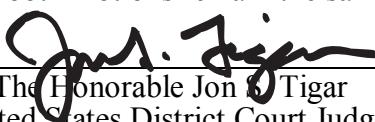
2 **PURSUANT TO THE FOREGOING STIPULATION OF THE PARTIES, IT IS**

3 **ORDERED THAT:**

4 The deadline for Intuitive Surgical Inc's oppositions to Illinois Union's Insurance
5 Company's ("Illinois Union") Motion to Bifurcate Extra-Contractual from Contractual Claims (ECF
6 No. 212) and Illinois Union's Motion to Reverse the Order of Proofs (ECF No. 213) is extended to
7 May 9, 2017. The deadlines for Illinois Union's replies to both motions remain the same.

8 DATED: May 4, 2017

9 By: _____


The Honorable Jon S. Tigar
United States District Court Judge

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